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Gatekeeper of Rights IV: *"Illusory Remedies in Higher Education: Article 47 CFR and a Hungarian Ombudsman–Court Loop in Medical Training"*

I. National Case Numbers (Hungary)

Ombudsman Case: EBF–AJBH–309–2025
Administrative Court Case: 7. Kpk. 750.239/2025/2
Data Protection Authority Case (NAIH): J-427-3/2025
Accreditation Committee Reference (MAB): MAB/477-4/2025

II. European Union Case Numbers

EU Commission Complaint No.: 86019
(Verified in the official Commission-generated document.)
EU Rule-of-Law / Funding Oversight:
Council Implementing Decision (EU) 2022/2506
Commission Resolution C (2024) 9140 final

III. Evidentiary Verification Statement

All case numbers, filings, appendices, legal submissions, and evidentiary materials can be independently verified through the author's ORCID profile (0009-0005-4228-1124).
The ORCID functions as the master directory containing:
The Administrative Obstruction in the European Union Medical Education: Series
SSRN DOIs
ResearchGate uploads
Photographic appendices
Specimen deficiency documentation
Gatekeeper of Rights I–II
NAIH Data Breach filings
The EU Commission Filing (Ref. 86019)

IV. Scope of Evidence Included in This Dossier

This Universal Identifier Page governs — and is cross-verified via ORCID/SSRN/MAB/ECFMG/NAIH records
— the following works:

i. Administrative Obstruction in EU Medical Education (Series I–IV)
ii. Denied Access to the Scalpel for Dissecting the Specimen
iii. Specimen Deficiency as Educational Obstruction
iv. Gatekeeper of Rights I & II
v. Ghost Students: The Legal Fiction of FM/CV Status
vi. Cross-Border Acknowledgment Reports (PIPER Framework)
vii. Administrative Obstruction V: Procedural Silence
viii. Administrative Obstruction VI:
ix. Over-Enrolled and Under-Served

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x. Oral Exams Without Standards
xi. NAIH Data Breach Filing & Evidence
xii. EU Commission Complaint 86019 (Uploaded Document)

Abstract:

This ***fourth part of the Gatekeeper of Rights I-III series*** examines the structural barriers to safeguarding educational rights in Hungarian higher education, through an analysis of the **Ombudsman Case EBF–AJBH–309–2025.** Building on insights from ***Gatekeeper of Rights I–III, Administrative Obstruction in EU Medical Education, and the Cross-Border Acknowledgment series,*** this paper illustrates how procedural evasion, inconsistent communication, and fragmented oversight prevented a fair examination of the complainant's case. Instead of addressing the core issue of alleged educational discrimination at Semmelweis University, domestic authorities relied on technicalities such as postal delays, inaccessible digital submission requirements, and communication cutoffs to sidestep the substantive merits.

Begin with the paradox: EU law explicitly guarantees the right to an effective remedy under Article 47 of the CFR. Member States present complex institutional frameworks, including ombuds institutions, equality bodies, administrative courts, and accreditation councils, among others. However, in practice, individuals may encounter complete protection despite engaging with all these entities. The fundamental question arises: How can a system that formally meets the institutional requirements of ***Article 47*** result in a situation in which nobody ever investigates the merits of a rights-based complaint?

To illustrate this issue, consider the following scenario: a foreign medical student in Hungary, enrolled full-time, is denied access to mandatory dissection procedures at a prominent medical university, despite having paid full tuition and being duly registered as a student. The student seeks remedies through various channels: the Commissioner for Fundamental Rights (Ombudsman), the Equal Treatment Authority operating within the Ombudsman, and the Budapest-Capital Regional Court in administrative litigation. Throughout this sequence, no entity ultimately determines whether the denial of access to compulsory practices was lawful.

On **October *14, 2025,*** *the* period during which the complainant received a dean-level takedown request, and the Ombudsman restricted

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further email submissions, coincided with a separately reported internal administrative event at Semmelweis University. This paper makes no claim of causation or relationship between these developments. Their contemporaneity is noted solely to contextualize the governance environment in which procedural decisions were made.

Using *documentary evidence preserved across multiple SSRN volumes*—emails, procedural records, formal notices, and court filings—the paper evaluates these events against ***Hungarian administrative law, EU Charter Articles 21 and 47, and ESG/WFME quality-assurance expectations***. The analysis concludes that the combined effect of procedural evasiveness, constrained communication channels, and defensiveness toward external visibility constitutes a structural barrier to effective remedy. The findings reinforce earlier *Gatekeeper of Rights I–III preprints published in sequence:* in the absence of proactive and transparent oversight, remedy pathways in *Hungarian higher education* remain functionally limited, particularly for international students relying on cross-border recognition and on accessible administrative procedures.

INTRODUCTION

Procedural fairness constitutes the cornerstone of any rights-protective framework. In the context of higher education, where semester schedules, examination periods, and access to mandatory learning environments directly impact a student's academic advancement, delays and technical impediments can transform procedural deficiencies into substantive damages. **Gatekeeper of Rights IV** continues to explore these dynamics by scrutinizing the procedural progression of ***Ombudsman Case EBF-AJBH-309-2025***, an inquiry into purported violations of educational access at Semmelweis University.

Earlier volumes in this series, including ***Gatekeeper of Rights I and Gatekeeper of Rights II***, demonstrated that Hungarian oversight bodies frequently rely on formalistic interpretations of service requirements and administrative procedure, sometimes at the expense of meaningful engagement with the underlying rights questions. These patterns existed alongside broader systemic concerns documented in the **Administrative Obstruction in EU Medical Education series:** *inconsistent enforcement of university regulations, discretionary gatekeeping of FM/CV re-registration, and selective access to essential practical components*. Collectively, these works established a pattern in which written procedures

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coexist with inconsistent implementation, producing inequitable outcomes for international medical students.

This *fourth paper* shifts the analytic lens to procedural evasion and administrative timing. It reconstructs the events between ***July 8, 2025, and November 21, 2025***, using documentary evidence preserved in prior SSRN publications: court orders, Ombudsman correspondence, registered letters, email communications, screenshots of digital access, and subsequent institutional interactions. Through this reconstruction, Gatekeeper IV distinguishes between two categories of events:

Procedural decisions made by domestic bodies, such as the Ombudsman's use of *postal technicalities, the refusal to accept email submissions, and the imposition of Ügyfélkapu-only channels, are inaccessible to foreign nationals*.

External contextual developments, including a publicly reported internal *administrative event at Semmelweis University in mid-October 2025.*

This paper explicitly does not assert any causal relationship between these contemporaneous developments. Their inclusion serves only to contextualize the administrative environment in which rights-protection bodies operated during the same period.

By situating the complainant's procedural experience within this wider administrative environment, Gatekeeper of Right: IV evaluates whether the treatment of *Case EBF–AJBH–309–2025 met the standards required under Act CL/2016, Act CCIV/2011, Act XXV/2023, the EU Charter of Fundamental Rights,* and internationally recognized quality-assurance frameworks. The findings contribute to a broader understanding of how procedural decisions —delays, communication cutoffs, inaccessible digital systems, and avoidance of substantive review—can undermine the right to an effective remedy in the European Higher Education Area.

2. Legal Framework: Article 47 CFR and Domestic Remedies in Higher Education

2.1 Article 47 CFR – Elements of the Right to an Effective Remedy

Brief doctrinal overview:

Paraphrase the fundamental provisions of Article 47 CFR:

- The right to an effective remedy before a tribunal,

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- A fair and public hearing conducted within a reasonable timeframe,

- An independent and impartial tribunal established in accordance with the law.

Summarizes significant developments by the Court of Justice of the European Union (CJEU):

- Article 47 as a concrete manifestation of Article 6 of the European Convention on Human Rights (ECHR) within EU law.

- Its horizontal significance for national procedures implementing EU-derived rights, such as those concerning education, non-discrimination, and professional mobility.

Identify three operational requirements to serve as criteria:

- Accessibility – The remedy must be practically obtainable by the individual, considering available channels, language options, and digital tools.

- Timeliness – Procedures should be structured in a manner that preserves the practical value of the right.

- Substantive engagement – An entity capable of addressing the merits, rather than merely filtering based on technicalities.

2.2 Illusory or Merely Formal Remedies within EU Legal Thought

Introduce the conceptual language:

- EU courts and scholars increasingly differentiate between formal availability and practical effectiveness of remedies.

- The term “illusory remedies” describes situations where individuals become ensnared in procedural loops or where compliance exists only “on paper.”

Relate to subsequent themes:

- Administrative silence and refusal to act as forms of denial.

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- Procedural barriers, including retroactive deadlines, inaccessible digital platforms, and limited channels, which are technically present but not meaningfully usable by cross-border individuals.

- Multiple authorities (Ombudsman, equality bodies, courts) each claiming lack of competence or deferring responsibilities, resulting in the substantive issues remaining unresolved.

2.3 The Hungarian Institutional Architecture Relevant to the Case

Provide a neutral, concise outline of the national framework:

- Commissioner for Fundamental Rights (Ombudsman): Mandated to protect fundamental rights, including those related to education and equal treatment. Following statutory amendments, it also functions as the Equal Treatment Authority in discrimination cases.

- Equal Treatment Procedure: Competent to investigate alleged discrimination by public institutions, such as universities, based on criteria including citizenship and other protected characteristics.

- Administrative Courts: Responsible for reviewing administrative actions or omissions by public authorities and higher education institutions.

- Higher Education Legislation and Whistleblower Protections:

  - Act CCIV of 2011 concerning National Higher Education establishes frameworks for access to mandatory educational components.

  - Act XXV of 2023 on complaints and whistleblower protections; applicable in cases involving retaliation or suppression of academic publications.

Clarify that this section merely establishes the remedial chain and is not yet critiqued:

- A student denied access to compulsory practices should, in principle, be able to:

  - Complain with the university,

  - Escalate to the Ombudsman or the Equal Treatment Authority,

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- Seek judicial review before an administrative court.

2.4 Higher Education, Cross-Border Students, and EU Law Relevance

Explain why Article 47 CFR applies in this context beyond purely national considerations:

- The complainant is a foreign student participating in the European Higher Education Area, relying on cross-border recognition of medical credentials and adherence to ESG/WFME quality standards.

- Gatekeeper of Rights IV:

- EU internal market rules and Directive 2005/36/EC concerning professional qualifications depend indirectly on the integrity of national medical degrees and equitable access to their core components.

- EU funding and rule-of-law conditionality increasingly link cohesion and recovery funds to adherence to fundamental procedural guarantees within sectors such as education.

- Present higher education as a testing ground:

- Universities receive EU-related funding and serve as gateways to professional access.

- Failures within their internal and external remedies can have EU-wide repercussions extending beyond a single campus.

2.5 Operationalizing the Framework for this Case

Conclude Section 2 by establishing your analytical criteria: evaluate the case against three Article 47 standards—channel accessibility for a foreign student without local digital credentials, procedural fairness including timelines and notifications, and substantive engagement regarding authorities' stances on access denial and its implications for equal treatment or educational rights.

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Methodology of Evidentiary Basis and Monitoring Upcoming Events in Domestic Settings

This study employs a documentary-legal methodology centered on administrative procedure analysis, institutional behavior, and contextual timing. It builds exclusively on materials already distributed in prior SSRN publications and academic repositories to preserve evidentiary reliability and maintain the integrity of the public record.

3.1 Evidentiary Corpus from Distributed Works

The analysis draws from the following publicly archived papers, all of which appear in SSRN, ResearchGate, or the Florida State University Law Library:

Gatekeeper of Rights I — (Ombudsman mandate & external systemic oversight role)

Gatekeeper of Rights II — (procedural closure of Case EBF–AJBH–309–2025)

Gatekeeper of Rights III — (EU-level governance and cross-border oversight)

Administrative Obstruction in EU Medical Education I–IV — (structural administrative inconsistencies, FM/CV misapplication, resource deficiencies)

Administrative Obstruction in EU Medical Education VI — (systemic discrimination analysis & ESG/WFME violations)

Denied Access to the Scalpel for Dissecting the Specimen — (primary evidence: denial of practical access, degraded cadaveric material)

Ghost Students: The Legal Fiction of FM and CV Status — (evidence of selective enforcement & inconsistent interpretation of SZMSZ Articles 5, 10, 11, 13, 29, 45)

Educational Rights and Whistleblower Protection in Hungarian Medical Education — (legal protections under Act XXV of 2023)

Cross-Border Acknowledgment I–III — (WFME, ECFMG, FAIMER, and MAB correspondence)

Additionally, procedural documents from previously published works—court orders, university correspondence, formal notices, and anonymized

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Ombudsman communications—serve as the evidentiary basis for the present analysis.

3.2 Analytical Approach

The methodology integrates three complementary techniques:

(a) Procedural-Timeline Reconstruction

The core of this study is a forensic reconstruction of events from July 5, 2025, to November 24, 2025, using time-stamped documents from distributed publications. This includes:

the July 2025 Administrative Court filing,

the Ombudsman's August ruling and September termination notice,

the October 14 takedown notice from the university,

and the Ombudsman's October 20 communication cutoff.

This timeline is compared with the statutory requirements under the Act CL/2016 and Article 47 of the EU Charter (effective remedy).

(b) Administrative Behavior Mapping

Drawing on patterns established in Administrative Obstruction of EU medical education I–IV and VI, the analysis examines how silence, selective communication, and procedural formalism function as mechanisms of institutional evasion. These earlier volumes provide a structural substrate that allows Gatekeeper of Rights IV to evaluate administrative behavior without revisiting substantive educational-access claims.

(c) Contextual Timing Analysis (No Causation Assigned)

As part of the contextual assessment, the study incorporates a publicly reported internal administrative event at *Semmelweis University in mid-October 2025.* This is used solely to analyze the governance environment in which procedural decisions were made. No causal or relational claim is made. The inclusion is limited to documenting contemporaneous administrative conditions as part of the systemic context.

3.3 Distinction from Gatekeeper of Rights III

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This methodology is deliberately differentiated from *Gatekeeper III*, which focused on EU governance structures, the Ombudsman's formal competence, and cross-border rule-of-law considerations.

By contrast, Gatekeeper of Rights IV:

centers on *procedural timing*,

analyzes *behavioral patterns during periods of administrative pressure*,

examines *communication cutoffs and digital-access exclusion*,

and introduces the October 2025 Convergence Window as a contextual governance indicator.

This ensures that Gatekeeper of Rights IV stands as a fully independent volume, offering new conceptual tools, new documentary synthesis, and new contextual interpretation without duplicating the analytic focus of Gatekeeper of Rights III.

PROCEDURAL TIMELINE (JULY 8, 2025–NOVEMBER 24, 2025)

Forensic Chronology of Administrative Events

The procedural lifecycle of Ombudsman Case EBF–AJBH–309–2025 unfolded over four months, marked by unanswered correspondence, premature case closure, and abrupt restrictions on communication channels. This section reconstructs the sequence of events solely through documented materials previously disseminated in earlier SSRN publications (*Gatekeeper of Rights I–III, Denied Access to the Scalpel to Dissect Specimen, Administrative Obstruction I–IV & VI,* the *Cross-Border Acknowledgment* series) and through official documents archived in the complainant's evidentiary record. Contextual academic sources are incorporated to situate these events within well-established patterns of administrative conduct within Hungary and the broader European legal framework.

4.1 Initial Correspondence and Institutional Silence (June 26 –July 3, 2025)

Between ***June 26, 2025, and July 3, 2025,*** the complainant submitted four written inquiries to officials of Semmelweis University

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concerning: denied access to a mandatory anatomy practical, the legal validity of unwritten ***"signature-revocation"*** conditions, the status of FM/CV re-registration requirements, and the applicability of the ***University's Study and Examination Regulations (SZMSZ)*** to international students. These emails, fully reproduced in *Gatekeeper of Rights II*, received neither acknowledgment of receipt nor a substantive response, despite their legal significance and the complainant's explicit references to *SZMSZ articles and EU education rights*. The lack of response at this stage is noteworthy because it established a pattern of procedural inaction throughout the remainder of the case: instead of engagement, there was silence. This silence aligns with the pattern documented in the ***Administrative Obstruction in EU Medical Education I -IV and VI series,*** which identified non-response as a common initial phase in complex or rights-based student complaints. Similar systemic trends are also evident in national attrition analyses: *Pusztai et al. (2022)* found that *international medical students experience greater procedural vulnerability, structural rigidity, and limited responsiveness from Hungarian medical institutions*.

4.2 Escalation: Administrative Court Petition (July 3, 2025)

Having received no response, the complainant submitted a petition to the Budapest Metropolitan Court on ***July 3, 2025,*** alleging administrative obstruction; inconsistent application of internal regulations; and improper denial of access to mandatory educational components. This submission is recorded in ***Cross-Border Acknowledgment I*** *and* ***Gatekeeper of Right II.*** The Court officially transmitted the petition to Semmelweis University on ***July 11, 2025*****, thus initiating the *first external procedural trigger.***

4.3 First University Response Triggered Only by Court Order (July 14, 2025)

Semmelweis University published its first documented response on ***July 14, 2025,*** signed by the ***Vice-Rector***, only after receiving the Court's transmission order. The pattern is straightforward: no reply to direct student inquiries, only responding when legally required. This reflects a typical administrative pattern outlined in EU administrative law literature: authorities tend to respond, ***"only when compelled,"*** a form of procedural evasion considered incompatible with good administration under the ***"reasonable time"*** requirement of ***Article 41 of the EU Charter***.

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Athanasiadou & Eliantonio (2020) explicitly describe this as a breach of the duty to act.

4.4 Ombudsman Ruling Issued but Not Communicated (August 15 – September 26, 2025)

On ***August 15, 2025***, the Ombudsman issued a formal decision closing the case. However, this ruling was not communicated to the complainant, nor was any email notification sent, nor was any other channel, such as phone or digital portal, used. The complainant only became aware of the decision indirectly in late September 2025. On September 26, 2025, the Ombudsman declared the case closed due to an alleged *"non-response,"* despite never having successfully communicated its earlier ruling. This pattern, previously observed in Gatekeeper of Rights II, illustrates what Pap (2020) describes as a fragmented and inconsistent administrative framework in which formalistic procedures overshadow substantive rights protection—from an EU law perspective, failing to notify the affected individual compromises the right to an effective remedy (Article 47 of the EU Charter). As Athanasiadou & Eliantonio explain, administrative authorities have a duty to ensure decisions are communicated in a way that enables individuals to respond. Silence or lack of notification does not extinguish rights. Eliantonio_2020_Silence_of_the_…

4.5 Re-Dispatch of Ruling with Retroactive Deadline (8–10 October 2025)

On October 8, 2025, the Ombudsman reissued the deficiency decision with an eight-day retroactive deadline—a period that had already expired when the complainant received the letter. On October 10, 2025, a postal event confirmed the dispatch but offered no further extensions or accommodations. Retroactive deadlines create a procedural impossibility, and Hungarian administrative law scholarship, particularly Pap (2020), discusses similar methods—such as rigid classification systems, technical obstacles, and procedural barriers—that often lead to administrative exclusion.

4.6 The October 14, 2025, Notice from Semmelweis University

On October 14, 2025, the University issued a dean-level notice demanding the complete removal of all SSRN and ResearchGate publications authored by the complainant. The letter:

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cited no specific legal provision,

referred broadly to “ethical obligations,”

and threatened disciplinary consequences.

This communication marked a shift from silence to defensiveness, addressing the *visibility* of the complainant’s work rather than the underlying rights claims. *Gatekeeper of Rights II* documented the tone and content of this letter extensively. The request for global takedown of academic publications is incompatible with both the protection of Whistleblowers under Act XXV of 2023 and the *principle of academic freedom*.

The timing of this notice coincides with a separately reported *internal administrative event at Semmelweis University* involving the *dismissal of two senior staff members within the Student Services Directorate (HSZI).* This document does not assert a causal relationship nor claim linkage; the simultaneity is merely noted as part of the administrative environment in which procedural decisions were made. Subsequent public reports confirmed that this internal event entailed leadership changes within the university’s *Student Services Directorate (HSZI).* Although this development is entirely independent of the complainant’s case, it is relevant as a contextual indicator of institutional turbulence during the same *October 2025* period in which both the *University and the Ombudsman made procedural decisions of significance*.

4.7 The October 20, 2025, Communication Cutoff by the Ombudsman

On October 20, 2025, the Ombudsman’s office issued an email stating: “Do not send further emails.” They advised using postal mail or the e-Paper system and warned that "Further submissions to this address will be disregarded and discarded." This document, kept in the evidentiary record, exemplifies the most transparent case of procedural exclusion in the case. It effectively blocked communication for a foreign complainant who lacked access to Hungary’s citizen identification system, which is necessary for e-Paper submissions.

According to *EU administrative law doctrine*, such communication blockades are regarded as forms of administrative inaction that hinder access to remedies (Athanasiadou & Eliantonio, 2020). Silence or refusal to

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respond cannot replace lawful decision-making and may itself violate the right to good administration.

For international students, the impact is even greater. Pusztai et al. (2022) highlight that foreign medical students face a higher risk of attrition due to rigid structures and confusing administrative procedures. These communication barriers in administration thus translate into substantial educational obstacles.

From a ***cross-border governance perspective*, the *2021 European Parliament*** briefing on administrative barriers notes that procedural rigidity, inaccessible channels, and excessive formalism are among the most prevalent obstacles in systems involving multiple countries or international entities.

4.8 Registered Correspondence and Final Escalations (October 27 – November 5, 2025)

In accordance with the *Ombudsman's directive* to use postal services, the complainant printed the relevant correspondence, sent a formal reply on *October 27, 2025*, and later informed the Ombudsman's President. On *November 5, 2025,* the complainant compiled the record by sending registered letters to all involved institutions—the University, Ombudsman, and Court—establishing an auditable trail under Hungarian administrative law. The shift from email, previously accepted by the Ombudsman, to more cumbersome postal channels reflect the procedural drift noted in *Gatekeeper of Rights I–III and Administrative Obstruction in the EU Medical Education VI.* This change caused delays that conflicted with educational timelines and compromised the right to an effective remedy.

4.9 A Double Deflection and the Collapse of Article 47 Protection

The interaction between the equal-treatment authority and the administrative court demonstrates a closed circuit of deflection rather than a functioning system of remedies. On November 24, 2025, in Order EBF–AJBH–309–16/2025, the *Commissioner for Fundamental Rights (acting as the Equal Treatment Authority)* suspended the Applicant's discrimination case against Semmelweis University based on Section 15/B(1) of the Equal Treatment Act (Ebktv) and Section 48(1)(a) of the General Administrative

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Procedure Act (Ákr.), pending the *outcome of administrative litigation* before the Budapest-Capital Regional Court (case 7.K.703.536/2025). The Authority acknowledged that both procedures concerned the same grievance—the refusal to admit the Applicant to compulsory dissection practices despite full-time enrolment—and expressly stated that the court's factual and legal findings would bind any subsequent equal-treatment decision. Rather than investigate the complaint, the Authority chose to wait.

The Regional Court, however, never examined the merits of the case. Relying on Kp. 48. § (1) b) and e), it rejected the Applicant's statement of claim as formally defective on the ground that a deficiency order (hiánypótlási végzés) had not been remedied within the prescribed fifteen-day time limit. The court treated the Applicant's later submission as late and held that, in consequence, it was not required to consider whether any administrative action or inaction had occurred. No factual findings were made, and no judicial view was expressed on the substance of the alleged rights violation.

The combined effect creates a procedural loop: the Equal Treatment Authority suspends its case out of respect for the court. Meanwhile, the court dismisses the matter on a procedural basis without examining the merits. From the perspective of Article 47 of the EU Charter, this outcome amounts to the same as outright denial of an adequate remedy. Although the institutional setup appears compliant on paper—ombudsman, equal-treatment authority, and administrative courts all exist and officially "deal with" the case, no one evaluates whether the denial of access to necessary anatomical procedures violated the applicant's rights. This double deflection exemplifies the procedural evasion that turns rights into merely symbolic protections.

> *"In doctrinal terms, this pattern fits what the literature describes as 'illusory remedies': the legal form of judicial protection is present, but cumulative procedural maneuvers neutralize its practical availability".*

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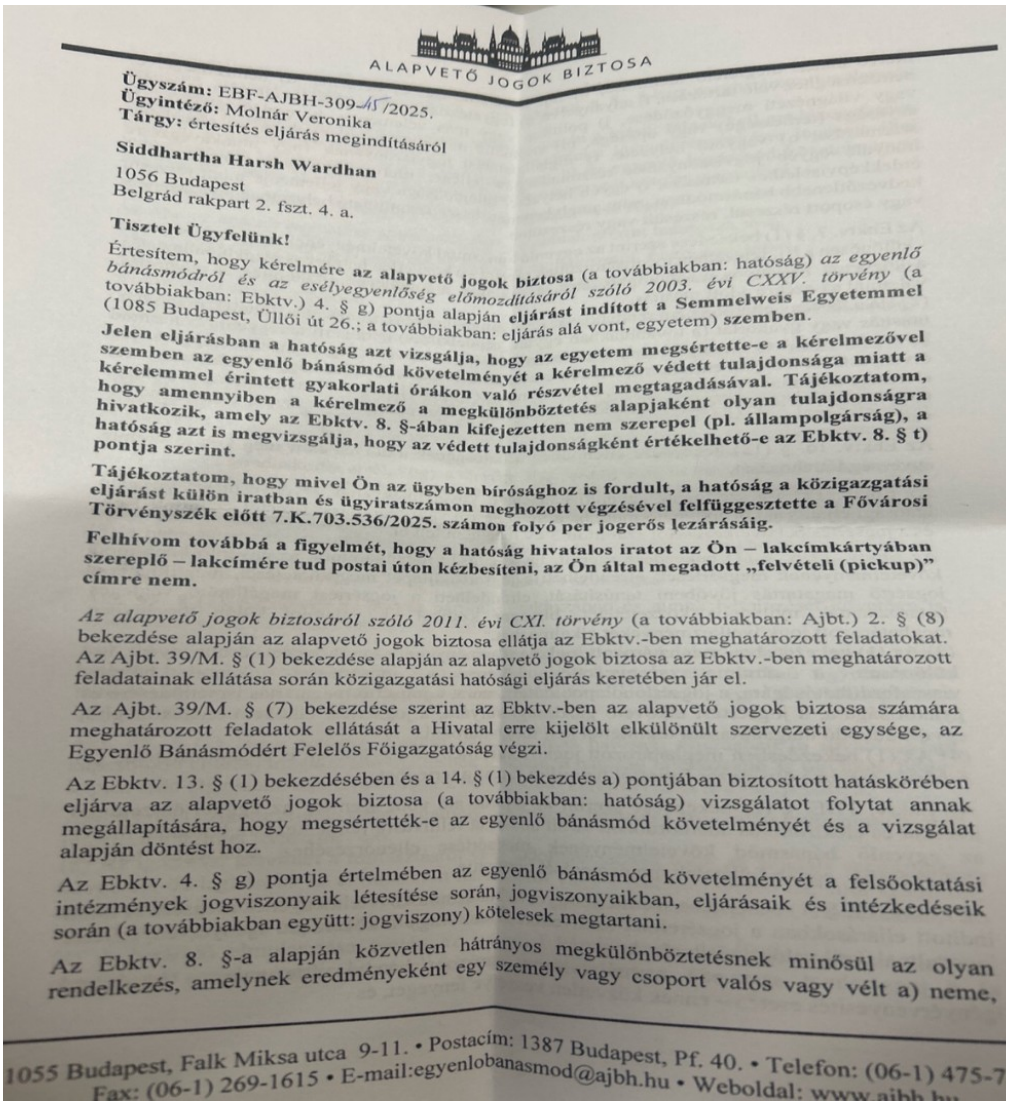
4.9 B Evidence of Second National Institutional Deflection Hungarian Ombudsman: Nonmember, 28 2025 (letter picked from the post office Magyar): Second Institution to not remedy complaint of their rights under Article 47 of the EU



ALAPVETŐ JOGOK BIZTOSA

Ügyszám: EBF-AJBH-309-45/2025.
Ügyintéző: Molnár Veronika
Tárgy: értesítés eljárás megindításáról

Siddhartha Harsh Wardhan
1056 Budapest
Belgrád rakpart 2. fszt. 4. a.

Tisztelt Ügyfelünk!

Értesítem, hogy kérelmére **az alapvető jogok biztosa** (a továbbiakban: hatóság) *az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról szóló 2003. évi CXXV. törvény* (a továbbiakban: Ebktv.) 4. § g) pontja alapján **eljárást indított a Semmelweis Egyetemmel** (1085 Budapest, Üllői út 26.; a továbbiakban: eljárás alá vont, egyetem) **szemben**.

Jelen eljárásban a hatóság azt vizsgálja, hogy az egyetem megsértette-e a kérelmezővel szemben az egyenlő bánásmód követelményét a kérelmező védett tulajdonsága miatt a kérelemmel érintett gyakorlati órákon való részvétel megtagadásával. Tájékoztatom, hogy amennyiben a kérelmező a megkülönböztetés alapjaként olyan tulajdonságra hivatkozik, amely az Ebktv. 8. §-ában kifejezetten nem szerepel (pl. állampolgárság), a hatóság azt is megvizsgálja, hogy az védett tulajdonságként értékelhető-e az Ebktv. 8. § t) pontja szerint.

Tájékoztatom, hogy mivel Ön az ügyben bírósághoz is fordult, a hatóság a közigazgatási eljárást külön iratban és ügyiratszámon meghozott végzésével felfüggesztette a Fővárosi Törvényszék előtt 7.K.703.536/2025. számon folyó per jogerős lezárásáig.

Felhívom továbbá a figyelmét, hogy a hatóság hivatalos iratot az Ön – lakcímkártyában szereplő – lakcímére tud postai úton kézbesíteni, az Ön által megadott „felvételi (pickup)" címre nem.

Az alapvető jogok biztosáról szóló 2011. évi CXI. törvény (a továbbiakban: Ajbt.) 2. § (8) bekezdése alapján az alapvető jogok biztosa ellátja az Ebktv.-ben meghatározott feladatokat. Az Ajbt. 39/M. § (1) bekezdése alapján az alapvető jogok biztosa az Ebktv.-ben meghatározott feladatainak ellátása során közigazgatási hatósági eljárás keretében jár el.

Az Ajbt. 39/M. § (7) bekezdése szerint az Ebktv.-ben az alapvető jogok biztosa számára meghatározott feladatok ellátását a Hivatal erre kijelölt elkülönült szervezeti egysége, az Egyenlő Bánásmódért Felelős Főigazgatóság végzi.

Az Ebktv. 13. § (1) bekezdésében és a 14. § (1) bekezdés a) pontjában biztosított hatáskörében eljárva az alapvető jogok biztosa (a továbbiakban: hatóság) vizsgálatot folytat annak megállapítására, hogy megsértették-e az egyenlő bánásmód követelményét és a vizsgálat alapján döntést hoz.

Az Ebktv. 4. § g) pontja értelmében az egyenlő bánásmód követelményét a felsőoktatási intézmények jogviszonyaik létesítése során, jogviszonyaikban, eljárásaik és intézkedéseik során (a továbbiakban együtt: jogviszony) kötelesek megtartani.

Az Ebktv. 8. §-a alapján közvetlen hátrányos megkülönböztetésnek minősül az olyan rendelkezés, amelynek eredményeként egy személy vagy csoport valós vagy vélt a) neme,

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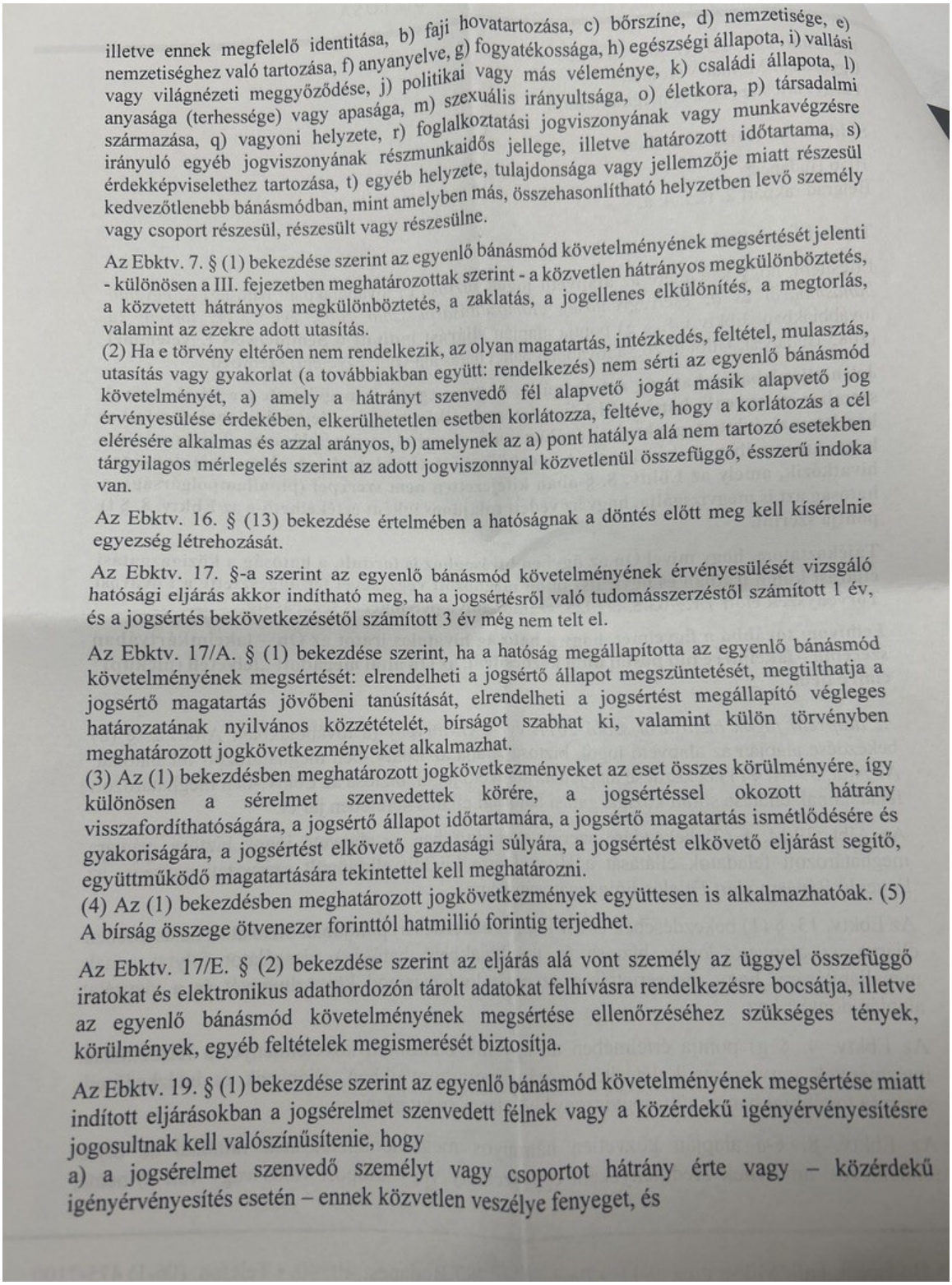
constitution

https://orcid.org/0009-0005-4228-1124 **link is an official academic repository for evidence, including documents like 'Administrative Obstruction in the EU Medical Education I- VI,' 'Denied Access to the Scalpel,' 'Specimen Deficiency Report,' 'Gatekeeper of Rights I-III,' NAIH Data Breach filings, and SSRN DOIs.** ***Zendo cross links evidence from SSRN—ResearchGate to Open AIRE—used by EU analysts for Hungary's Rule of Law Report, due in mid-2026.***



illetve ennek megfelelő identitása, b) faji hovatartozása, c) bőrszíne, d) nemzetisége, e) nemzetiséghez való tartozása, f) anyanyelve, g) fogyatékossága, h) egészségi állapota, i) vallási vagy világnézeti meggyőződése, j) politikai vagy más véleménye, k) családi állapota, l) anyasága (terhessége) vagy apasága, m) szexuális irányultsága, o) életkora, p) társadalmi származása, q) vagyoni helyzete, r) foglalkoztatási jogviszonyának vagy munkavégzésre irányuló egyéb jogviszonyának részmunkaidős jellege, illetve határozott időtartama, s) érdekképviselethez tartozása, t) egyéb helyzete, tulajdonsága vagy jellemzője miatt részesül kedvezőtlenebb bánásmódban, mint amelyben más, összehasonlítható helyzetben levő személy vagy csoport részesül, részesült vagy részesülne.

Az Ebktv. 7. § (1) bekezdése szerint az egyenlő bánásmód követelményének megsértését jelenti - különösen a III. fejezetben meghatározottak szerint - a közvetlen hátrányos megkülönböztetés, a közvetett hátrányos megkülönböztetés, a zaklatás, a jogellenes elkülönítés, a megtorlás, valamint az ezekre adott utasítás.
(2) Ha e törvény eltérően nem rendelkezik, az olyan magatartás, intézkedés, feltétel, mulasztás, utasítás vagy gyakorlat (a továbbiakban együtt: rendelkezés) nem sérti az egyenlő bánásmód követelményét, a) amely a hátrányt szenvedő fél alapvető jogát másik alapvető jog érvényesülése érdekében, elkerülhetetlen esetben korlátozza, feltéve, hogy a korlátozás a cél elérésére alkalmas és azzal arányos, b) amelynek az a) pont hatálya alá nem tartozó esetekben tárgyilagos mérlegelés szerint az adott jogviszonnyal közvetlenül összefüggő, ésszerű indoka van.

Az Ebktv. 16. § (13) bekezdése értelmében a hatóságnak a döntés előtt meg kell kísérelnie egyezség létrehozását.

Az Ebktv. 17. §-a szerint az egyenlő bánásmód követelményének érvényesülését vizsgáló hatósági eljárás akkor indítható meg, ha a jogsértésről való tudomásszerzéstől számított 1 év, és a jogsértés bekövetkezésétől számított 3 év még nem telt el.

Az Ebktv. 17/A. § (1) bekezdése szerint, ha a hatóság megállapította az egyenlő bánásmód követelményének megsértését: elrendelheti a jogsértő állapot megszüntetését, megtilthatja a jogsértő magatartás jövőbeni tanúsítását, elrendelheti a jogsértést megállapító végleges határozatának nyilvános közzétételét, bírságot szabhat ki, valamint külön törvényben meghatározott jogkövetkezményeket alkalmazhat.
(3) Az (1) bekezdésben meghatározott jogkövetkezményeket az eset összes körülményére, így különösen a sérelmet szenvedettek körére, a jogsértéssel okozott hátrány visszafordíthatóságára, a jogsértő állapot időtartamára, a jogsértő magatartás ismétlődésére és gyakoriságára, a jogsértést elkövető gazdasági súlyára, a jogsértést elkövető eljárást segítő, együttműködő magatartására tekintettel kell meghatározni.
(4) Az (1) bekezdésben meghatározott jogkövetkezmények együttesen is alkalmazhatóak. (5) A bírság összege ötvenezer forinttól hatmillió forintig terjedhet.

Az Ebktv. 17/E. § (2) bekezdése szerint az eljárás alá vont személy az üggyel összefüggő iratokat és elektronikus adathordozón tárolt adatokat felhívásra rendelkezésre bocsátja, illetve az egyenlő bánásmód követelményének megsértése ellenőrzéséhez szükséges tények, körülmények, egyéb feltételek megismerését biztosítja.

Az Ebktv. 19. § (1) bekezdése szerint az egyenlő bánásmód követelményének megsértése miatt indított eljárásokban a jogsérelmet szenvedett félnek vagy a közérdekű igényérvényesítésre jogosultnak kell valószínűsítenie, hogy
a) a jogsérelmet szenvedő személyt vagy csoportot hátrány érte vagy – közérdekű igényérvényesítés esetén – ennek közvetlen veszélye fenyeget, és

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b) a jogsérelmet szenvedő személy vagy csoport a jogsértéskor – ténylegesen vagy
alá vont személy feltételezése szerint – rendelkezett a 8. §-ban meghatározott valamely
tulajdonsággal.
(2) Az (1) bekezdésben foglaltak valószínűsítése esetén a másik félnek kell azt bizonyítania,
hogy a) a jogsérelmet szenvedett fél vagy a közérdekű igényérvényesítésre jogosult által
valószínűsített körülmények nem álltak fenn, vagy b) az egyenlő bánásmód követelményét
megtartotta, illetve az adott jogviszony tekintetében nem volt köteles megtartani.

A hatóság eljárásában az eljárás alá vont ügyfélként vesz részt.

Az Ákr. az ügyféli jogokat és kötelességeket az alábbiak szerint határozza meg.

Ákr. 5. § (1) Az ügyfél az eljárás során bármikor nyilatkozatot, észrevételt tehet.

Ákr. 6. § (1) Az eljárás valamennyi résztvevője köteles jóhiszeműen eljárni és a többi
résztvevővel együttműködni.
(2) Senkinek a magatartása nem irányulhat a hatóság megtévesztésére vagy a döntéshozatal,
illetve a végrehajtás indokolatlan késleltetésére.
(3) Az ügyfél és az eljárás egyéb résztvevője jóhiszeműségét az eljárásban vélelmezni kell. A
rosszhiszeműség bizonyítása a hatóságot terheli.

Ákr. 27. § (1) A hatóság az ügyfél és az eljárás egyéb résztvevője azonosításához szükséges
természetes személyazonosító adatokat és az ügyfajtát szabályozó törvényben meghatározott
személyes adatokat, továbbá - ha törvény másként nem rendelkezik - az eljárás eredményes
lefolytatásához elengedhetetlenül szükséges más személyes adatokat kezeli.
(2) A hatóság gondoskodik arról, hogy a törvény által védett titok és törvény által védett egyéb
adat (a továbbiakban együtt: védett adat) ne kerüljön nyilvánosságra, ne juthasson illetéktelen
személy tudomására, és e védett adatok törvényben meghatározott védelme a hatóság
eljárásában is biztosított legyen.
(3) A hatóság az eljárása során annak lefolytatásához - jogszabályban meghatározott módon és
körben - kezeli azokat a védett adatokat, amelyek eljárásával összefüggnek, illetve amelyek
kezelése az eljárás eredményes lefolytatása érdekében szükséges.

Ákr. 33. § (1) Az ügyfél az eljárás bármely szakaszában és annak befejezését követően is
betekinthet az eljárás során keletkezett iratba.

Ákr. 44. § Ha a kérelem a jogszabályban foglalt követelményeknek nem felel meg, az eljáró
hatóság határidő megjelölésével, a mulasztás jogkövetkezményeire történő figyelmeztetés
mellett - ha törvény vagy kormányrendelet másként nem rendelkezik - egy ízben hiánypótlásra
hívja fel a kérelmezőt.

Ákr. 45. § (1) Ha a hatóság döntése valamely más hatósági eljárásban (a továbbiakban:
kapcsolódó eljárás) meghozható döntésnek feltétele, a hatóság tájékoztatja az ügyfelet, hogy a
kapcsolódó eljárásban eljáró hatósághoz benyújtandó kérelmet nála is előterjesztheti.

Ákr. 53. § (1) Aki az eljárás során valamely határnapot, határidőt önhibáján kívül elmulasztott,
igazolási kérelmet terjeszthet elő.
(3) Az igazolási kérelmet a mulasztásról való tudomásszerzést vagy az akadály megszűnését
követően, de legkésőbb az elmulasztott határnaptól vagy a határidő utolsó napjától számított,
az igazolni kívánt eljárási cselekményre előírt határidővel megegyező időtartamon, de
legfeljebb negyvenöt napon belül lehet előterjeszteni.
(4) A határidő elmulasztása esetén az igazolási kérelemmel egyidejűleg pótolni kell az
elmulasztott cselekményt is, ha ennek feltételei fennállnak.

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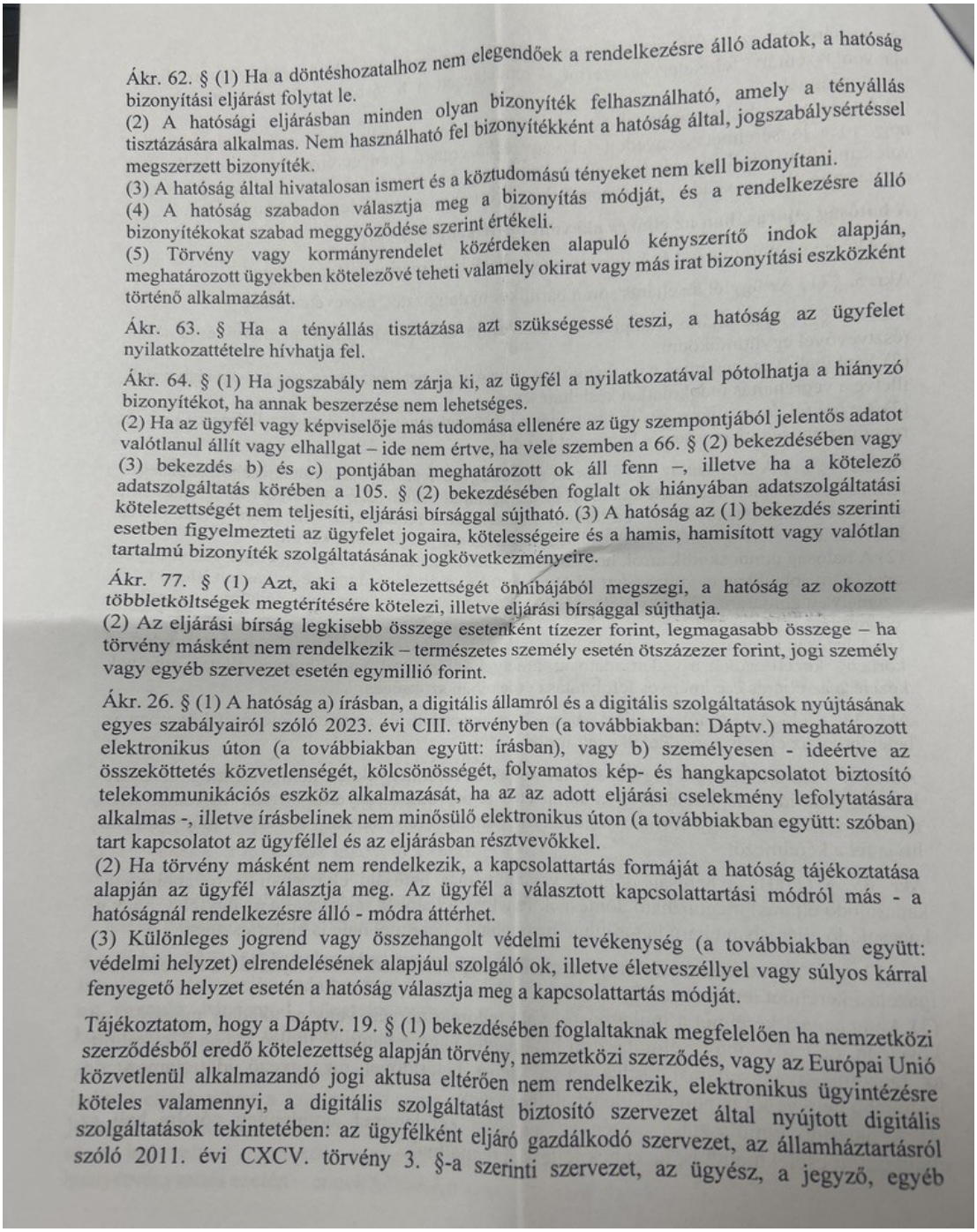

Ákr. 62. § (1) Ha a döntéshozatalhoz nem elegendőek a rendelkezésre álló adatok, a hatóság bizonyítási eljárást folytat le.
(2) A hatósági eljárásban minden olyan bizonyíték felhasználható, amely a tényállás tisztázására alkalmas. Nem használható fel bizonyítékként a hatóság által, jogszabálysértéssel megszerzett bizonyíték.
(3) A hatóság által hivatalosan ismert és a köztudomású tényeket nem kell bizonyítani.
(4) A hatóság szabadon választja meg a bizonyítás módját, és a rendelkezésre álló bizonyítékokat szabad meggyőződése szerint értékeli.
(5) Törvény vagy kormányrendelet közérdeken alapuló kényszerítő indok alapján, meghatározott ügyekben kötelezővé teheti valamely okirat vagy más irat bizonyítási eszközként történő alkalmazását.

Ákr. 63. § Ha a tényállás tisztázása azt szükségessé teszi, a hatóság az ügyfelet nyilatkozattételre hívhatja fel.

Ákr. 64. § (1) Ha jogszabály nem zárja ki, az ügyfél a nyilatkozatával pótolhatja a hiányzó bizonyítékot, ha annak beszerzése nem lehetséges.
(2) Ha az ügyfél vagy képviselője más tudomása ellenére az ügy szempontjából jelentős adatot valótlanul állít vagy elhallgat – ide nem értve, ha vele szemben a 66. § (2) bekezdésében vagy (3) bekezdés b) és c) pontjában meghatározott ok áll fenn –, illetve ha a kötelező adatszolgáltatás körében a 105. § (2) bekezdésében foglalt ok hiányában adatszolgáltatási kötelezettségét nem teljesíti, eljárási bírsággal sújtható. (3) A hatóság az (1) bekezdés szerinti esetben figyelmezteti az ügyfelet jogaira, kötelességeire és a hamis, hamisított vagy valótlan tartalmú bizonyíték szolgáltatásának jogkövetkezményeire.

Ákr. 77. § (1) Azt, aki a kötelezettségét önhibájából megszegi, a hatóság az okozott többletköltségek megtérítésére kötelezi, illetve eljárási bírsággal sújthatja.
(2) Az eljárási bírság legkisebb összege esetenként tízezer forint, legmagasabb összege – ha törvény másként nem rendelkezik – természetes személy esetén ötszázezer forint, jogi személy vagy egyéb szervezet esetén egymillió forint.

Ákr. 26. § (1) A hatóság a) írásban, a digitális államról és a digitális szolgáltatások nyújtásának egyes szabályairól szóló 2023. évi CIII. törvényben (a továbbiakban: Dáptv.) meghatározott elektronikus úton (a továbbiakban együtt: írásban), vagy b) személyesen - ideértve az összeköttetés közvetlenségét, kölcsönösségét, folyamatos kép- és hangkapcsolatot biztosító telekommunikációs eszköz alkalmazását, ha az az adott eljárási cselekmény lefolytatására alkalmas -, illetve írásbelinek nem minősülő elektronikus úton (a továbbiakban együtt: szóban) tart kapcsolatot az ügyféllel és az eljárásban résztvevőkkel.
(2) Ha törvény másként nem rendelkezik, a kapcsolattartás formáját a hatóság tájékoztatása alapján az ügyfél választja meg. Az ügyfél a választott kapcsolattartási módról más - a hatóságnál rendelkezésre álló - módra áttérhet.
(3) Különleges jogrend vagy összehangolt védelmi tevékenység (a továbbiakban együtt: védelmi helyzet) elrendelésének alapjául szolgáló ok, illetve életveszéllyel vagy súlyos kárral fenyegető helyzet esetén a hatóság választja meg a kapcsolattartás módját.

Tájékoztatom, hogy a Dáptv. 19. § (1) bekezdésében foglaltaknak megfelelően ha nemzetközi szerződésből eredő kötelezettség alapján törvény, nemzetközi szerződés, vagy az Európai Unió közvetlenül alkalmazandó jogi aktusa eltérően nem rendelkezik, elektronikus ügyintézésre köteles valamennyi, a digitális szolgáltatást biztosító szervezet által nyújtott digitális szolgáltatások tekintetében: az ügyfélként eljáró gazdálkodó szervezet, az államháztartásról szóló 2011. évi CXCV. törvény 3. §-a szerinti szervezet, az ügyész, a jegyző, egyéb

4.9 –

“Unofficial English translation prepared by the author; the Hungarian original is on file with the author and may be provided for verification.”

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Case number: EBF–AJBH–309-3/2025
Case officer: Veronika Molnár
Subject: Notification of the initiation of proceedings

Addressee:
Siddhartha Harsh Wardhan
1056 Budapest
Belgrád rakpart 2. fszt. 4. a.

Dear Client,

I hereby inform you that, on the basis of your application, the Commissioner for Fundamental Rights (hereinafter: the Authority), acting pursuant to Section 4 point 8 of Act CXXV of 2003 on equal treatment and the promotion of equal opportunities (hereinafter: Ebktv.), has initiated proceedings against Semmelweis University (1085 Budapest, Üllői út 26.; hereinafter: the University) in respect of an alleged violation of the requirement of equal treatment.

In the present procedure, the Authority is examining whether the University has violated the requirement of equal treatment in relation to you, the Applicant, on account of a protected characteristic, by refusing you participation in the practical classes referred to in your application. I inform you that, where you invoke as the basis of discrimination a characteristic corresponding to one of those listed in Section 8 of the Ebktv. (for example, citizenship), the Authority shall also examine whether that characteristic can be regarded as a protected characteristic within the meaning of Section 8(1) of the Ebktv.

I further inform you that you have also initiated court proceedings in this matter. By its letter of 31 October 2025, received by the Authority, the Budapest-Capital Regional Court advised that administrative court proceedings are pending between you and the University under case number 7.K.703.536/2025, concerning higher-education administrative rights, in which you allege that, despite being enrolled as a full-time student, you were refused participation in compulsory dissection practices and that your right to education was thereby infringed.

In view of the above, the Authority, pursuant to Section 15/B(1) of the Ebktv. and Section 48(1)(a) of Act CL of 2016 on General Administrative Procedure (Ákr.), shall suspend the present equal-treatment procedure until the court proceedings under case number 7.K.703.536/2025 have been finally concluded with res judicata effect.

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I draw your attention to the fact that the Authority may serve its official documents to you only at the address indicated on your address card; it is not able to deliver them to the “pickup” address that you have otherwise provided.

The legal basis for the Authority’s jurisdiction and powers in this procedure is set out in:
– Sections 13(1) and 14(1)(a) of the Ebktv.;
– Section 2(8) and Section 39/M of Act CXI of 2011 on the Commissioner for Fundamental Rights; and
– the relevant provisions of the Ákr. governing the rights and obligations of clients, the rules of suspension, and the time limits of administrative procedures.

The rules on initiating an administrative lawsuit against the Authority’s decision are contained in Section 39(1) of Act I of 2017 on the Code of Administrative Court Procedure.

Budapest, 24 November 2025

[Stamp of the Office of the Commissioner for Fundamental Rights]

Dr Imre Juhász, on behalf of the Commissioner for Fundamental Rights
Dr János Wiedemann, Director General

Notified:

1. Siddhartha Harsh Wardhan – by registered mail
2. Semmelweis University – electronically
3. Budapest-Capital Regional Court – electronically (P23)
4. File

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5. Article 47 CFR: Effective Remedies and the Failure of Domestic Oversight

Article 47 of the EU Charter ensures the right to an effective remedy through timely, accessible, and impartial procedures. However, in this case, that standard was not met. The complainant faced multiple procedural obstacles, including undelivered postal notices, refusal of email submissions, sudden channel closures, inconsistent acknowledgment of filings, and digital submission tools that were unavailable to foreign nationals. These issues collectively weakened the accessibility of the

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remedy, making it effectively unattainable. These failures must be viewed in the context of broader governance issues observed in 2025. The restructuring of Hungary's accreditation authority (MAB) raised legitimate concerns about oversight stability and institutional independence, which are vital for protecting rights when internal university mechanisms fall short. During transitions in quality assurance governance, the reliability of student-protection pathways is also compromised. The Ombudsman's constitutional petition to the Hungarian Constitutional Court exposed ongoing concerns about legislative preparation, parental rights, and procedural safeguards, already present at the top oversight levels. When the institution responsible for protecting fundamental rights highlights structural weaknesses in legislation, the credibility of domestic administrative processes—especially those requiring strict notice, timing, and channel access—becomes more fragile. The European Commission's study on cross-border administrative barriers supports this view by identifying systemic irregularities across the EU affecting mobile individuals, including students. The Commission highlights that fragmented channels, inconsistent service requirements, and varied enforcement practices disproportionately impact cross-border subjects. The procedural shortcomings observed in this case mirror these EU patterns closely. Given these domestic governance issues and cross-border procedural weaknesses, the combined administrative failures in ***Case EBF-AJBH-309-2025*** amount to a structural denial of the right to an effective remedy. When national authorities fail to ensure stable procedural pathways, the guarantee in ***Article 47 collapses***—not from a single error, but from the cumulative effect of evasive, inconsistent, and inaccessible administrative practices.

5.2 SYSTEMIC IMPLICATIONS & EU-LEVEL RELEVANCE

The procedural failures documented in ***Case EBF-AJBH-309-2025*** must be understood not merely as isolated administrative lapses but as indicators of structural governance vulnerabilities with cross-border implications. In the ***European Higher Education Area (EHEA),*** procedural reliability is an essential condition for maintaining academic mobility, qualification recognition, and regulatory compliance. When domestic mechanisms fail to provide predictable, accessible, and timely remedies, the effects extend beyond individual cases and into the cohesion of the broader EU legal order.

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5.3 MAB leadership + Decision 2025/6/XIV + E5164–E5172.

This situation becomes particularly evident when analyzing the governance landscape of 2025. Since ***June 26, 2025, and continuing to the present, within an ongoing observational investigation documented for legal evidentiary purposes*, the *Hungarian Accreditation Committee (MAB) has undertaken*** a comprehensive restructuring of its leadership. This included the *appointment of a new president and the establishment of a new board predominantly composed of senior academics affiliated with the evaluated institutions*. While such actions are not inherently unlawful, the timing of these changes raises concerns regarding the independence of regulation—*a fundamental safeguard for credibility in accordance with ESG and WFME standards*—and highlights the risk that internal administrative discrepancies may remain unaddressed. In *October 2025*, the Hungarian Accreditation Committee (MAB) issued Decision 2025/6/XIV, initiating the *application period for university professors for 2026, scheduled* from January 15 to February 28, 2026. Although this procedure is routine, the timing is noteworthy: it suggests that MAB was actively restructuring senior academic roles during the same period when administrative fluctuations were occurring in the current case. Furthermore, this decision coincided with a marked increase in *MAB case operations related to Semmelweis University, as evidenced by the public registry entries **E5164-E5172***. Although no direct causal relationship is asserted, the clustering of evaluations of Semmelweis University within this timeframe further indicates an oversight environment subjected to concurrent internal and external pressures.

5.4 Ombudsman constitutional petition

Concurrently, on *April 24, 2025, the Commissioner for Fundamental Rights submitted a petition to the Constitutional Court seeking scrutiny of specific provisions of the Public Education and Vocational Training Acts*. The petition contends that abbreviated legislative review periods and the elimination of essential safeguards for the protection of rights compromise the rule of law. It further indicates that concerns regarding procedural propriety and rights protection were already prominent within the *national oversight framework* before the case initiated by the complainant came before the Ombudsman.

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5.5 Significance of the European Union: Rule of Law Report: Hungary 2026

At the European Union level, these domestic vulnerabilities intersect with broader conditionality frameworks. In the 2021–2027 Partnership Agreement, the European Commission allocated nearly €22 billion in cohesion funds to Hungary, linking disbursements to adherence to the rule of law and transparent governance.[3] Under the Recovery and Resilience Facility (RRF), Hungary received €0.92 billion in pre-financing, subject to the fulfillment of 27 super-milestones before further payments are released.[4] The *Commission's 2025 Cohesion Policy Mid-Term Review confirmed the reallocation of €545 million* in cohesion funding while maintaining conditionality safeguards, thereby highlighting ongoing concerns within the sectors of education and governance.[5] Additionally, three *cohesion programs worth €6.3 billion* remain partly suspended under the *Rule-of-Law Conditionality Mechanism*.[6] The visibility of the case increased significantly in late 2025 due to the indexing of the author's SSRN papers by Open AIRE, ORCID, and prominent academic infrastructure networks. This development generated a measurable 'follow-indicator' effect, allowing EU-level analysts, university faculty, and accreditation stakeholders to access the case documents automatically without the complainant's direct submission. This aspect is especially relevant because the *2026 EU Rule-of-Law r*eporting cycle depends heavily on repositories linked *to Open AIRE, ORCID*, and independent academic publications. As a result, the procedural deficiencies documented in this case are not isolated; they become part of the evidence ecosystem that informs EU-level oversight.

Collectively, these EU-level oversight measures establish a governance framework. In this framework, predictable, rights-compliant administrative procedures are not optional; they are essential prerequisites for sustained access to European funding and cross-border academic legitimacy. The procedural shortcomings identified in the complainant's case—such as defective service, inaccessible channels, delayed communications, premature closure threats, and neglect to examine the substantive rights claim—mirror the systemic deficiencies recognized by both domestic oversight authorities and EU institutions.

This *alignment has direct implications for cross-border recognition.* Semmelweis University prominently participates in international

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engagements, European research networks, and multinational academic conferences, positioning itself as a regional hub of scientific excellence. Yet institutions that rely on European visibility must also adhere to the procedural obligations that underpin that visibility. When internal remedies collapse, the EU's oversight architecture becomes not only relevant but necessary, because academic credibility cannot be decoupled from procedural reliability.

Accordingly, the procedural collapse documented in this case should be interpreted as part of a broader governance pattern—one that *implicates national accreditation, constitutional rights protection, and EU conditionality frameworks*. Within this structure, the right to an effective remedy under Article 47 CFR cannot be guaranteed without stable, transparent, and rights-compliant administrative systems. Where such systems fail, cross-border oversight becomes indispensable to protect individual rights and safeguard the *integrity of the European Higher Education Area.*

5.6— The June 2025 AG Opinion: Article 2 TEU as an Autonomous Enforcement Tool

A significant shift occurred on *June 5, 2025,* when *Advocate General Ćapeta issued her Opinion in Commission v Hungary (C-769/22).* For the first time in a structured and explicit way, the *Commission received legal confirmation that Article 2 TEU* values can operate as a self-standing plea in infringement proceedings, rather than merely as contextual background. This fundamentally reshapes the enforcement environment surrounding higher-education governance and academic freedom across the EU.

The *Opinion held that Hungary's 2021* ***"child-protection"*** law violated multiple Charter-protected rights, including dignity, private and family life, freedom of expression, and non-discrimination. More importantly for systemic cases, it clarified that values-based violations need not rely exclusively on sector-specific directives or technical provisions. They can be pursued directly when national measures produce a structural chilling effect, target vulnerable groups, or restrict the dissemination of knowledge.

For university-level disputes, this frames academic-speech restrictions, event cancellation, or retaliatory administrative actions not as isolated campus incidents, but as potential violations of Charter-anchored principles. It also elevates institutional silence, delayed responses, or

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selective enforcement into the realm of values-relevant administrative conduct.

Conclusion

The present case study demonstrates that the procedural management of *Ombudsman Case EBF–AJBH–309–2025* is not an anomaly nor a mere administrative oversight, but rather indicative of systemic structural vulnerabilities within Hungary's higher education governance and rights protection framework. Over a period of four months—spanning from *early July 5, 2025, to late November 26, 2025—the complainant experienced administrative silence, defective notice service, abrupt communication interruptions, inaccessible digital submission channels*, and an outright refusal by domestic institutions to address the substantive educational rights claim at the core of the case. These *shortcomings, when considered individually, already raise concerns under Act CL/2016 and Article 47 of the Charter of Fundamental Rights*; collectively, they illustrate a system in which the right to an effective remedy is theoretical rather than practically assured.

The *broader governance environment of 2025* accentuated the ramifications of these procedural shortcomings. The reorganization of the *Hungarian Accreditation Committee (MAB),* under new leadership and with a board composition closely aligned with the same institutional sector it monitors, underscored ongoing concerns regarding regulatory independence and the trustworthiness of quality assurance oversight. The *Ombudsman's* constitutional petition in April 2025, which challenged whether *specific reforms to education law adhered to minimum standards of preparation time and fundamental rights protections,* further illustrated that issues of procedural adequacy and *rule-of-law conformity were already being considered at the highest levels of domestic institutional* review. In this context, the decision to use restrictive channels, impose retroactive deadlines, and avoid communication in the case of the complainant appears less an isolated anomaly and more indicative of a systemic tendency towards administrative evasiveness.

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When this *domestic case is considered alongside assessments at the European Union level*—such as the European Commission's findings on *cross-border administrative barriers and conditionality decisions on cohesion funding and Recovery and Resilience Facility disbursements*—the structural importance of the matter becomes more evident. The same issues identified in *European analyses of cross-border administrative vulnerabilities—namely, fragmented procedures, inaccessible or overly complex channels, and a lack of effective enforcement*—are evident in the complainant's experience at *Semmelweis University and in the responses of the national oversight bodies*. For an international medical student whose academic progression and future professional mobility rely on predictable and transparent procedures, these systemic deficiencies pose concrete risks: delays in studies, restricted access to compulsory components, and the practical undermining of legal guarantees that should be enforceable under both domestic law and EU law.

The *convergence window of October 2025 accentuates the tension between institutional self-representation and internal procedural practices.* Subsequent public disclosures confirmed that this internal event involved leadership changes within the university's Student Services Directorate (HSZI). Although this development was entirely independent of the complainant's case, it serves as a relevant contextual indicator of institutional instability during the same period in October 2025, when both the University and the Ombudsman made procedurally significant decisions. Semmelweis University continues to position itself as a leading institution within the European Higher Education Area, hosting international symposia, engaging in EU-linked research, and pursuing cross-border recognition. However, as documented herein, the institutional and national mechanisms responsible for resolving rights-based disputes failed to ensure even the fundamental conditions necessary for effective remedies in a case characterized by a narrow scope and thorough documentation. Institutions aspiring to benefit from European integration cannot credibly maintain this status while relying on procedural tactics that impede access to rights-protection channels.

Ultimately, ***'Gatekeeper of Rights IV'*** corroborates and extends the findings of the previous volumes in the series. It emphasizes that, in the absence of transparent, proactive, and rights-oriented administrative conduct, the protections promised by law remain fragile—particularly for international students operating within a cross-border context. The case

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demonstrates that even where legal norms and formal procedures are in place, their practical implementation can be compromised by institutional incentives, governance instability, and procedural evasiveness. For EU-level actors analyzing the interaction between domestic higher-education governance, cross-border student mobility, and rule-of-law conditionality, the dossier presented herein provides a concrete, evidence-based example of how structural weaknesses in national systems can develop into tangible barriers to the exercise of fundamental rights.

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